

# IN THE UNITED STATES DISTRICT COURT DISTRICT OF MAINE

\* \* \* \* \*  
Jacob Fallica #156844 \*

plaintiff \* Civil No. \*

✓

Mr. Randall Liberty - Commissioner \* Date:

Mr. John ~~Do~~ Thayer warden \*

Mr. Stewart - Assistant warden \* Complaint For Damages For

Mr. John Doe - chief of security \* 1.) Failure to Protect

Mr. Dean Leonard - unit manager \* 2.) Improper medical Attention

Mr. SGT Gray - unit SGT \* 3.) Intentional Infliction of

Mr. Hoskins - Pool officer \* emotional Distress

All persons for his/her actions individual \* 4.) Intentional Infliction of  
and official Capacity. (Defendants) \* physical abuse

\* \* \* \* \*

## Complaint

Plaintiff, Jacob Fallica (Hereafter "Mr. Fallica"), prose,  
Sues Defendants Commissioner Randall A. Liberty,  
Warden John ~~Do~~ <sup>Thayer</sup>, Assistant warden Stewart, Chief of security  
John Doe, 500 Building Unit Manager Mr. Dean Leonard,  
500 Building SGT. SGT. Gray, 500 Building pool officer  
Mr. Hoskins (collectively "Correctional Defendants"),  
in their individual and official capacities for violations of  
clearly established civil rights, each of which,

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individually or together, deprived Mr. Fallica of his rights guaranteed under the Constitution of the United States, Eight Amendment.

\*Preliminary Statements\*  
 \* \* \* \* \*

Mr. Fallica brings this action pursuant to 42 U.S.C. §1983 and common laws to seek redress for Defendants' wantonly, maliciously, willfully and with deliberate indifference engage in a continuing failures to intervene and protect, along with recklessness which violates his Civil Rights as well as human rights in violation of the eight Amendment to the United States Constitution and Article 24 of the Maine Declaration of Rights.

Mr. Fallica, during his relevant time period, was in custody and control of Commissioner Randal Liberty, et al., Housed at Maine State Prison (which will be known as M.S.P.) (hereafter) located only in Maine. Defendants are persons whom, for the duration of Mr. Fallica's incarceration has authority, control and legal responsibilities to protect his health, safety and welfare.

Mr. Fallica was known by all defendants to have been of a disorder known as "Tourettes". Syndrom.



which causes involuntary muscles spasms, as well as random out bursts of words.

Correctional defendants ongoing systematic failure and customary practices, policies and with deliberate indifference to the Plaintiff's safety, the Defendants caused Mr. Fallica profound pain and suffering, emotional distress, anger, anguish, disappointment, embarrassment, fear, frights, horror, annoyance for which he seeks punitive damages by failure to protect him. Mr. Fallica has fully exhausted Administrative remedies.

Jurisdiction and venue

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The Jurisdiction of this Honorable Court is invoked under 42 U.S.C. § 1231 et seq. and 29 U.S.C. § 791 et seq. and 28 U.S.C. § 1331 (Federal question) and §§ 1343 (Federal Civil rights) for violations of the Eighth Amendment to the United States Constitution.

This Court holds personal Jurisdiction over each and every Defendant because, upon information and belief, all Defendants are residents or hold employment in Maine, Conduct business in Maine and were all acting under the color of law during the relevant times.

Venue is invoked under U.S.C. § 1391.

Supplemental jurisdiction over the plaintiff's state law tort claim is invoked under U.S.C. § 1367.

\* Parties \*

\* \* \* \* \*

- 1.) Plaintiff Jacob Fallica, is an inmate under custody at Maine state prison during the events described in this complaint.
- 2.) Defendant #1 Commissioner Randall A. Liberty (hereafter "Mr. Liberty"), is/was the Commissioner that oversees all aspects including safety at Maine state prison.
- 3.) Defendant #2 Warden John <sup>Thayer</sup> ~~Do~~ (here after "warden Doe") is/was the warden at Maine state prison (hereafter "MSP") and acting by color of law. By statute, Warden Doe is legally responsible for the safety of inmates under his supervision and control. By prison policy Warden Doe has a duty to protect Mr. Fallica. He is sued in his individual capacity.
- 4.) Defendant #3 Assistant Warden Stewart is/was the next person in charge after Warden Doe. He too holds the same obligations under the color of law. He is sued in his individual capacity.



- 5.) Defendant #5 unit manager Dean Leonard (hereafter known as "Mr Leonard") Directly oversees all aspects of Building 500; Including the security of every resident. He too Failed to protect Mr Fallica and is sued in his individual capacity.
- 6.) Defendant #6 SGT Gray (Hereafter known as "Mr. Gray") was the incharge of 500 Building that Day of the assault. He is sued in his individual capacity.
- 7.) Defendant #7. CO Hoskins, (Here after known as "Co Hoskins") who at the relevant time to this incident directly watched & provoked Further assault on Mr. Fallica. He is sued in his individual capacity.
- 8.) All Defendants have acted, and continue to act under the color of state law at all times relevant to this complaint.

\* Facts \*

\* \* \* \* \*

- 9.) On January 6, 2025, while incarcerated at "MSP" 500 Building A pool, Mr. Fallica was brutally beaten not once but twice in front of the staff (Co Hoskins)

After the first fight Mr. Fallica was cleaning up his own blood with a mop bucket and cleaning supplies; "Co Hoskins" told another resident that "I don't think that retarded faggot learned his lesson" so Mr. Fallica was beaten a second, more severe assault time.

Mr. Fallica suffers from Tourette's syndrome as well as is openly bi sexual.

It took other residents to step between them to stop the assault from being worse than it was. only then did "Co Hoskins" help Mr. Fallica.

\* Failure to Protect - \*

\* \* \* \* \*

Count No: 1

10.) On January 6<sup>th</sup>, 2025 at 2:pm a fight took place in plain view in that Day Room in front of Co Hoskins. Also captured on CCTV

11.) Shortly thereafter a second attack took place at the discretion of Co Hoskins.

12. I Quote "Teach that Retarded Faggot a lesson"



for running his mouth"

13.) Plaintiff Mr Fallica was then assaulted a second more severe time

14.) The Plaintiff Mr Fallica suffered the following injuries during his assaults

- a. Three Bruised Ribs
- b. Broken nose
- c. Bruised orbital socket
- d. Bruised Right mandible
- e. Multiple abrasions

15.) \*Intentional Infliction of Emotional Distress\*

Every time the Plaintiff is being handcuffed, he suffers flashbacks of the assault while in custody of Correctional officers. Plaintiff suffered, and continuing to suffer, fear, terror, horror, anguish, emotional distress. No treatment is being provided.

\*Claims for Relief\*  
\* \* \* \* \*

16.) The actions of Commissioner Liberty, Warden

Thayer, Assistant warden Stewart, Chief security John Doe, unit manager Leonard, unit Sgt Gray and Co Hoskins in leaving the plaintiff in population after being assaulted recognizing a potential threat for serious bodily harm was real, and was ~~done~~ failed to protect were done maliciously and sadistically which constitutes cruel and unusual punishment in violation of the Eight Amendment.

\* Prayer For Relief \*


\* \* \* \* \*

Wherefore, Mr. Fallica respectfully request that this court enter judgement:

- A) Declaring all named defendants violated the plaintiff's Eight amendment when failed to protect his health, safety and welfare.
- B) Declaring all named Defendants were deliberate indifferent to his mental and medical needs for serious physical injuries.
- C) Punitive damages in the Amount \$1,250,000.00




- D.) Compensatory Damages in the amount of \$1,250,000.00
- E.) Pain and suffering \$3,000,000.00
- F.) Awarding all court cost and fees to the defendants
- G.) Grant any other relief as sounds just and equitable

Respectfully Submitted  
x   
Jacob Fallica  
MSP No: 156844  
807 Cushing Rd  
Warren ME 04864

### Certificate of service

I hereby certify that on the 12 day of February 2025  
a copy of the foregoing Complaint was mailed prepaid  
postage to all parties listed.

  
Jacob Fallica